

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES MITCHELL,)	
)	Civil Action No. 06 – 945
Petitioner,)	
)	District Judge Donetta W. Ambrose
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
EDWARD KLEM,)	
)	
Respondent.)	

MEMORANDUM ORDER

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lenihan (ECF No. 28) recommending that Petitioner's Motion to Obtain Relief from Judgment or Order pursuant to Federal Rule of Civil Procedure 60(b) (ECF No. 27) be denied. The parties were served with the Report and Recommendation and informed that they had until March 11, 2013, to file written objections. Petitioner filed Objections to the Report and Recommendation on March 4, 2013. (ECF No. 29.) Petitioner's Objections, however, do not undermine the recommendation of the Magistrate Judge. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

AND NOW, this 12th day of March, 2013,

IT IS HEREBY ORDERED that Petitioner's Motion to Obtain Relief from Judgment or Order pursuant to Federal Rule of Civil Procedure 60(b) (ECF No. 27) is **DENIED**.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 28) dated February 20, 2013, is **ADOPTED** as the opinion of the Court.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", is written over a horizontal line.

Donetta W. Ambrose
United States District Judge

cc: Counsel of Record
(Via ECF Electronic Mail)